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19

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 130/94
IN
O.A. NO. 268/88

New Delhi this the 17th day of October, 1994

CORAM :

THE HON'BLE MR. JUSTICE S. C. MATHUR, CHAIRMAN
THE HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

Shri Ramesh Chand Gupta
S/O Shri Hari Shankar Gupta,
working as Assistant Manager (R&D),
Malanjhand Copper Project,
Malanjhand-481116 (M.P.)

... Applicant

By Advocate Shri T. C. Aggarwal

Versus

Shri Amar Singh,
Controller of Administration,
Regional Research Laboratory
(CSIR), Bhubaneswar-741013.

... Respondent

By Advocate Mrs. Sheel Sethi

ORDER (ORAL)

Mr. Justice S. C. Mathur, Chairman —

The applicant alleges disobedience by the respondents of the directions contained in this Tribunal's judgment and order dated 15.7.1993 passed in O.A. No. 268/88.

2. A perusal of the judgment in the O.A. indicates that the applicant's grievance was regarding non-payment of interest on gratuity and payment of pension. The Bench issued the directions in the following terms :-

*2. Thus, what remains to be paid is the actual pension at the rate of Rs.219/- per month from 9.5.1981 to 31.12.1986 and at Rs.505/- w.e.f. 1.1.1986 to the date the actual commutation has been

given effect to. On the amount of gratuity the petitioner shall also be entitled to payment of interest at the relevant rate as provided in the rules. The respondents are directed to make additional payment to the petitioner, as indicated hereinbefore, as early as possible but preferably within three months from the date of communication of this order. No costs."

2. It is not disputed that the retirement gratuity of Rs.7,338/- was paid to the applicant on 27.9.1988. The learned counsel for the respondents has placed before us O.M. No. 7/3/84-Pension Unit dated 28th July, 1984 under which interest was payable at the rate of 7% per annum, if payment was delayed by three months. If payment was delayed beyond one year, interest was payable at the rate of 10% per annum. In the contempt application, the applicant claims that he was entitled to interest at the rate of 18%. No rule has been brought to our notice under which the applicant was entitled to interest at the rate of 18%. The applicant has ^{not} indicated that the interest paid to him is not in accordance with the office memorandum referred to herein. Accordingly, we are of the opinion that the direction of this Tribunal in respect of payment of interest has not been flouted.

4. The above was the only grievance raised in the contempt application. During the course of hearing, the learned counsel for the applicant submitted that the contemner has failed to give the commuted value of pension. In respect of this, no factual statement has been made in the contempt application. The learned

6
21

counsel invited our attention to the draft charge and submitted that a statement to that effect is contained therein. The draft charge has been prepared by the applicant to assist this Tribunal in framing the charge. The charge has to be framed by the Tribunal on the basis of the factual averments made in the application. In the absence of factual assertion the charge, as suggested by the applicant, cannot be framed.

5. In view of the above, the contempt application lacks merit and is hereby dismissed. Notice issued is discharged.

P. J. 28
(P. T. Thiruvengadam)
Member (A)

S. C. Mathur
(S. C. Mathur)
Chairman

/as/